

**Senate Resolution 80 on Second Reading**

On motion of Senator Nokes, and by unanimous consent, the President laid before the Senate the following resolution:

S. R. No. 80 — Providing for a Crime Investigating Committee.

The resolution was read.

Senator Nokes offered the following committee amendment to the resolution:

Amend S. R. No. 80 by striking out all after the resolving clause and inserting in lieu thereof the following:

"Section 1. That the Senate General Investigating Committee make a sweeping investigation of the reports of organized criminal activities in the State of Texas.

"Section 2. That such sums as may, from time to time, be necessary be appropriated from the contingent expenses of the Senate to carry on the work of the committee.

"Section 3. That said committee shall submit reports in writing to the Texas Senate setting forth its findings, together with any recommendations for legislation or other action to be taken by the Legislature of the State of Texas."

The amendment was adopted.

The resolution, as amended, was adopted.

**Resolutions Signed**

The President signed in the presence of the Senate, after the captions had been read, the following enrolled resolutions:

S. C. R. No. 40—Suspending the joint rules relating to local and uncontested bills.

H. C. R. No. 51—Suspending the joint rules of the House and Senate in order to take up House Bill No. 51.

**House Bill 47 on Second Reading**

On motion of Senator Corbin, and by unanimous consent, the President laid H. B. No. 47 before the Senate on its second reading and passage to third reading with Committee Amendment No. 2 pending. (The bill and amendment having been read second time on Tuesday, March 22, 1951.)

Question — Shall the committee amendment be adopted?

**Adjournment**

On motion of Senator Hudson, the Senate at 11:55 o'clock a. m. adjourned until 10:00 o'clock a. m. on Monday, April 2, 1951.

**Record of Votes**

Senators Phillips and Corbin asked to be recorded as voting "Nay" on the motion to adjourn.

**FORTY-SIXTH DAY**

(Monday, April 2, 1951)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

**Absent—Excused**

Vick

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 29, 1951, was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Vick was granted leave of absence for today on account of important business on motion of Senator Hardeman.

**Reports of Standing Committees**

Senator Bracewell submitted the following report:

Austin, Texas,  
March 29, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 202, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman

Senator Carney submitted the following report:

Austin, Texas,  
April 2, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 75, have had same under consideration and are reporting it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

Senator Carter submitted the following reports:

Austin, Texas,  
April 2, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute in lieu thereof do pass and be mimeographed and not otherwise printed.

CARTER, Chairman

C. S. S. B. No. 78 was read first time.

Austin, Texas,  
March 29, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 394, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARTER, Chairman

Senator Wagonseller submitted the following report:

Austin, Texas,  
March 29, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred S. B. No. 390, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WAGONSELLER, Chairman

#### Senate Resolution 129

Senator Bracewell offered the following resolution:

Whereas, Two members of the United States Senate, the Honorable J. William Fulbright of Arkansas and Estes Kefauver of Tennessee, have performed a signal service to their country and its people by fearless investigations that have uncovered shameful corruption and questionable dealings; and

Whereas, These two United States Senators have set laudable examples of honesty and tenacity of purpose in discovering facts that spell out the need for a new order of honesty and decency in public life; and

Whereas, These men have forgotten both selfish purpose or any question of fear in their dedication to truth and the public interest; and

Whereas, They have set the example for investigations in our own state which we believe will have a healthy reaction in sweeping out unwholesome and corrupt conditions which threaten us also here in Texas; now, therefore, be it

Resolved, That the Senate of the State of Texas does hereby officially commend the actions of the Honorable J. William Fulbright and Estes Kefauver, and in token thereof copies of this resolution be sent to each of these gentlemen.

This resolution was read and was adopted.

#### Request of House Granted

On motion of Senator Strauss and by unanimous consent, the request of the House for a Conference Committee on H. B. No. 111 was granted.

#### Senate Bill 210 With House Amendments

Senator Weinert called S. B. No. 210 from the President's table for

consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Weinert, Carney, Phillips, Lock and Bracewell.

#### **Presentation of Portrait of William M. Thornton**

The President announced the time had arrived for the presentation of the portrait of William M. Thornton to the Senate as provided for in Senate Resolution 25 of the First Called Session of the Fifty-first Legislature.

Mrs. W. M. Thornton, Mrs. James P. Nash, George Waverley Briggs, Harry C. Withers, Dawson Duncan, Senator Carlos Ashley and the Honorable Allan Shivers were escorted to seats on the President's rostrum.

The President presented Mr. Harry C. Withers, Executive Editor of the Dallas Morning News, who addressed the Senate as follows and presented the portrait of Mr. William M. Thornton to the Senate:

"I wish to express to the Senate of the State of Texas the grateful appreciation of The Dallas News for the high honor you are paying to the memory of William M. Thornton. That appreciation is shared by every other member of The News family.

"In honoring Tudey Thornton you are honoring the profession to which he dedicated his entire adult life. The press of Texas as a whole is conducted upon a high ethical plane. Each of its members is striving conscientiously to promote the welfare of the State and the community in which it operates. They share in The News' appreciation of the recognition you now accord the memory of a fellow newspaper man whom they all respected and loved.

"Through fifty years of newspaper work I have never known a Texas newspaper man who would wilfully misrepresent the truth or deliberately misquote a statement made to him on a matter of public interest.

"Not within that fifty years have I known an editor or reporter who more truly than Tudey exemplified the ethics of journalism which newspapers of Texas have sought to establish and practice.

"Newspaper work requires a high fidelity to truth, an unflinching loyalty to the enterprise served, devotion to unflagging energy to the immediate task and a passionate regard for the interests of the public.

"Tudey possessed those virtues in a superlative degree. To them he brought an innate love of his fellow man, a comprehensive knowledge of state affairs and an inviolate sense of fair play.

"These equipped him to present a clear, intelligent account of the news in Austin with a faithfulness which won for him the confidence and esteem of the men who made that news. That fact is authenticated by your resolution which affectionately knighted him as the Senator from The Dallas News.

"Tudey Thornton would have given distinguished service to any newspaper he elected to serve, but he seemed to fit into the policies, principles and philosophies which have guided The Dallas News and its forebears for more than a century and which remain in effect today as forcibly as they have in any period of its existence.

"The News would have been proud to be represented by such an able man in any capacity, but he had no ambition other than to serve The News at Austin as his father had served it for so many years. He could have filled any job in the news department but his love was for Austin and his post as the head of The Austin Bureau.

"The devotion he gave to his commission was kindled by loyalty, honor, enthusiasm and a high sense of duty not only to his newspaper but to its readers. It has left its permanent impress upon those who worked with and under his direction and who, I think, may fairly appropriate to themselves some of the glory which now illuminates his shield.

"No recognition has come to me more delightful than the privilege of

expressing to the Senate the love and affection all of us on The News had for Tudey Thornton and in presenting to you his picture to be placed upon the walls of this chamber.

"We hope it will adorn your environment and inspire members of the press whose duties bring them here to emulate the high standards which marked the career of Tudey Thornton."

The President then presented the Honorable Allan Shivers, Governor of Texas, who addressed the Senate as follows:

"If Tudey Thornton were here today, he would have a quip and an appropriate comment to mark the occasion. He would make light of this effort to pay tribute to him, saying that the Senate of Texas had more important things to do.

"But, although Tudey and I seldom differed on anything, I'd have to differ with him on that. I know of nothing more important than to take a few minutes out of this busy morning to honor a man who spent a busy lifetime in and around this Senate chamber.

William Martin Thornton held one job all his life. He went to work for The Dallas News in 1898, and he was obviously satisfied with the job—because he stayed with it 51 years. By the same token, The Dallas News was satisfied with him, and the readers must have been satisfied with both.

"State officials and legislators, through half a century, were more than satisfied with Tudey's work—they were highly pleased with it, and with him. There can never be another capitol correspondent quite like the cheerful little man in the bow tie.

"It's appropriate for the Senate of Texas to honor Tudey Thornton, for the Senate was his favorite duty station. He started out there when he went to work for The News, and he always spent some time there each legislative day.

"It was a close call with Tudey as to which he loved best: hunting, fishing or politics.

"Even ahead of those, however, he placed his love for his family, his friends, his church, his state and his country—and The Dallas News. These are not idle words of eulogy; everyone who knew Tudey Thornton knows that he was unequivocal in his loyalty to the people and the institutions that he considered worthy. He had a

lot of words in his vocabulary, but "compromise" was not one of them.

"I had the honor of being Tudey's 16th Governor—the 16th chief executive who had the benefit of his constructive coverage of political news and, more often than not, his personal counsel. Tudey's words of wisdom, both written and spoken, meant a great deal to me all during the years we served together.

"And I do think it is proper to speak of Tudey Thornton's career as one of public service. As much or more than any public official that I have known—elected or appointed—he was an influence for good in our state government. The worthy were encouraged by his approval, and the unworthy were hesitant to incur his disapproval. All the while, he remained true to himself, to his employers and to the highest tenets of the profession he followed for 51 years.

"When Tudey Thornton finished his self-assigned chore on October 31, 1949, and turned over his story to the telegraph operator, that proved to be his last. In newsroom terminology, that was "thirty" for William M. Thornton, newspaperman.

"But this gathering here today, and this little ceremony, prove that it wasn't "thirty" for Tudey Thornton, friend of his fellow man. The influence of his life and works has become an inseparable part of the things he loved—his newspaper, his church, Texas politics, the tradition of Texas friendliness and gentility. The picture we dedicate here today, for all its merit, cannot match the picture of Tudey Thornton that we all carry with us in our hearts."

The President presented Mr. George Waverley Briggs, vice president of The First National Bank of Dallas, as a representative of the family who addressed the Senate as follows:

"Mr. President; Your Excellency, The Governor; members of the Senate, Mr. Withers, Ladies and Gentlemen:

"At the request of members of the family of him whom you honor today, I beg the privilege of a word to acknowledge their obligation to the Texas Senate and to you for this tribute to a life so near and dear to them.

"While no one can plumb the depths of another's feeling or measure the spiritual forces by which its alter-

nating tides of sorrow and joy are stirred, we must know, nevertheless, that their hearts are swept as the human heart is not often swept by all the sweet emotions latent in love, gratitude and reverential pride.

"These garlands wreathed around a cherished memory must diffuse the soothing spirit of a solace no other anodyne could yield. No legacy from the loved and lost could come to them so tenderly cherished as these priceless tokens of his worth from lifelong friends who are able best to appraise the qualities that were his.

"Their hearts are brightened and uplifted by eulogies so eloquent, so comforting and so just. For them, accordingly, the grateful memory and the inspiration of this touching hour can never wane.

"Yet do we not perceive a higher signification and a wider and more fruitful and abiding purpose in this service than ordinarily move us out of the depths of affection and admiration to extol the talent, charm and rectitude of dearly beloved friends?

"As we examine the lives of men and women who have vindicated their right to the world's remembrance, do we not find that all their actions evolved from devotion to a lofty principle and converged to a magnificent achievement in some form of needed ministry to mankind?

"Is there not, therefore, reflected here a wise and benevolent impulse to perpetuate the pattern of such a life, which, for the sake of the people it served, we feel that death should not be permitted to destroy? A life that, now translated to another world, can exert a continued temporal influence for good only through visible reminders of the precepts to which it was completely conformed and the worthy deeds which fidelity to its faith enabled it to do? A life indeed worthy of place amid the galaxy of stars among the illustrious dead which now shed their encouraging and sustaining light from the walls of this Senate Chamber?

"Was it not recognition of such a dominant principle and such a praiseworthy achievement in the life of William Martin Thornton that inspired the Texas Senate to design the high honor which it confers upon his memory today?

"For certainly his entire career was preponderantly nurtured, impelled and guided by such a principle and bore him on to successive achievements for the public good that have

been seldom, if ever, surpassed in the rich and fertile field of his profession.

"No one ever rose to the top of his great calling—as Thornton did—without indefatigable industry, exhaustless zeal and liberal scholarship; without wide range of observation, large capacity to treat sympathetically but rationally with human affairs; or without that keen, penetrating, appraising and retentive insight which catches the spirit and holds and utilizes the essence of the ongoing and never static or stagnant political economy of the American people.

"Nor did anyone ever rise to the highest level of journalism who did not believe in its objectives, obey its injunctions, fulfill its responsibilities, defend its prerogatives, and exalt its ideals. For him, throughout his life, the free, untrammelled, honest press remained the sturdy support of morals, culture and enterprise, the invincible right arm of order, and the impregnable fortress of freedom. Its liberty he acclaimed as the only invulnerable safeguard for civil security and the one force indispensable to the independence and happiness of the United States of America.

"The use of all this—all that he knew, believed in, and possessed—for the aid of the people he served was the principle by which he ordered his life; the magnificent achievement that persistently flowed from his steadfast devotion to its precepts is attested today in this glowing symbol of that people's recognition of his right to a high place in their remembrance.

"And so it is ineffably sweet and sustaining, Mr. President and Gentlemen of the Senate, to feel that The Dallas News has tendered and you have accepted and placed this portrait within the walls of this venerable and historic chamber, to preserve the image of William Martin Thornton and thereby in a very definite sense to perpetuate the spirit, if not the substance, of the influence for good which from adolescence to the final summons, he so long exerted upon the understanding, and accordingly, the welfare, of the people of his native state.

"Thus here in this stately hall, in an atmosphere conducive to meditation, this inanimate, mute, but nevertheless eloquent personification of our lamented friend will remain to arouse, strengthen and enrich among those who ponder the reasons for its presence—the same aspirations that

controlled his own life: aspirations toward a nobler citizenry, a nobler service, and a nobler destiny for the great commonwealth which he loved so well.

"It is upon this supreme significance of this beautiful service that family and friends shall ever dwell with inexpressible gratitude and the tenderest joy.

"For they know that in the years to come—as so numerous and so ardently now—men and women shall stand before his likeness and murmur history's highest tribute to man:

"He, too, did something worthy to be remembered!"

The President of the Senate, the Honorable Ben Ramsey, accepted the portrait of Mr. Thornton on behalf of the Senate and the State of Texas.

Senators Aikin and Moffett expressed their appreciation of the friendship and many years of association with William M. "Tudey" Thornton.

Senator Ashley read the following telegram from John E. Thornton:

"Thanks so much to you, all the Senators and others, for the tribute to be paid Tudey. Wish I could attend the ceremony, for no one ever had a more devoted brother than Tudey was to me. Account operation, it is impossible for me to attend. Sincerely,

"JOHN E. THORNTON"

#### Remarks of Speakers Ordered Printed in Journal

On motion of Senator Aikin, and by unanimous consent, the remarks of all the speakers in the presentation of the portrait of W. M. Thornton were ordered printed in the Journal.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 11:00 o'clock a. m.

#### Senate Joint Resolution 1 on Second Reading

The President laid S. J. R. No. 1 before the Senate on its second reading and passage to engrossment. (The resolution having been read second time on Tuesday, March 20, 1951.)

Question—Shall S. J. R. No. 1 be passed to engrossment?

Senator Lane offered the following amendment to the resolution:

Amend S. J. R. No. 1 by striking out all of Section I thereof and inserting in lieu thereof the following:

"The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration, or for any purpose of bringing immigrants to this State, but may appropriate money for advertising."

The amendment was adopted.

Senator Lane offered the following amendment to the resolution:

Amend S. J. R. No. 1, Section 2, by striking out the wording of the ballot in lines 25 to 31, printed copy, inclusive and inserting in lieu thereof the following:

"FOR the Constitutional Amendment which prescribes that the Legislature shall have no power to appropriate public money for the establishment and maintenance of a Bureau of Immigration but may appropriate public money for advertising" and

"AGAINST the Constitutional Amendment which prescribes that the Legislature shall have no power to appropriate public money for the establishment and maintenance of a Bureau of Immigration but may appropriate public money for advertising."

The amendment was adopted.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the caption was amended to conform to the body of the resolution, as amended.

The resolution, as amended, was passed to engrossment.

#### Senate Joint Resolution 1 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin  
Ashley

Bell  
Bracewell

Bullock	Lane
Carney	Martin
Carter	McDonald
Colson	Moore
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Russell
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Nays—1

Moffett

Absent

Lock	Shofner
Nokes	

Absent—Excused

Vick

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Wagonseller

Nays—6

Bullock	McDonald
Hudson	Moffett
Lane	Weinert

Absent—Excused

Vick

**Senate Bill 267 on Third Reading**

On motion of Senator Parkhouse and by unanimous consent, the President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 267, A bill to be entitled "An Act amending the antitrust laws of the State of Texas by amending Title 126 of the Revised Civil Statutes of the State of Texas by adding a new article to be known as Article

7428-1 and by amending Chapter 3, Title 19, of the Penal Code of the State of Texas by adding a new Article to be known as Article 1634a, both to provide that it is a conspiracy in restraint of trade where any employer and any labor union make an agreement whereby persons not members of such union shall be denied work by such employer or whereby such membership is made a condition of employment by such employer, or whereby such union acquires an employment monopoly; etc.; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Parkhouse
Carney	Phillips
Colson	Strauss
Corbin	Tynan
Hazlewood	Wagonseller
Hudson	Weinert
Kelley of Hidalgo	

Nays—9

Carter	Moore
Fuller	Nokes
Hardeman	Russell
Lane	Shofner
Martin	

Absent—Excused

Vick

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 2, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 51, A bill to be entitled "An Act providing for the self-support and independent administration of the Banking Department of Texas by requiring that fees, penalties, and revenue collected by the Banking Department be retained and held by it and be expended as authorized by the Finance Committee for the expenses of said Department, and accomplishing this purpose by: amending Article 12, Subchapter I, Chap-

ter 97, page 128, Acts of the Forty-eighth Legislature, 1943 (Article 342-112 V. A. C. S.) pertaining to the control of the Finance Commission over the receipts and expenditures of the Banking Department; amending Article 8, Subchapter II, Chapter 97, page 134, Acts of the Forty-eighth Legislature, 1943, (Article 342-208 V. A. C. S.) pertaining to bank examinations and the fees therefor; amending Section 9, Chapter 61, page 100, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended (Article 881a-9 V. A. C. S.) pertaining to annual statements of domestic building and loan associations and the fees therefor; amending Section 2, Chapter 165, page 280, Acts of the Forty-second Legislature, 1931, as amended (Article 1524a-2 V. A. C. S.) pertaining to the examination of loan and brokerage companies and the fees therefor; amending Article 2465, Revised Civil Statutes of Texas (1925), as amended, pertaining to the examination of credit unions and the fees therefor; amending Section 3, Chapter 340, page 559, Acts of the Forty-ninth Legislature, 1945 (Article 912a-3 V. A. C. S.) pertaining to the filing of statements of perpetual care funds and to the fees therefor; amending Article 3921 of the Revised Civil Statutes of Texas (1925) pertaining to charter and investigation fees; providing that no fees, penalties or other revenue collected by the Banking Department shall be paid into the General Revenue Fund and that no expenses of said Department shall ever be a charge against the funds of this State; amending Articles 1 to 5, inclusive, Subchapter II, Chapter 97, page 134, Acts of the Forty-eighth Legislature, 1943 (Articles 342-201 to 342-205 V. A. C. S.) pertaining to the appointment, qualifications and compensation of the Banking Commissioner, the Deputy Banking Commissioner, the Departmental Bank Examiner, bank examiners and assistant bank examiners, the Building and Loan Supervisor, building and loan examiners, and other officers and agents of the Banking Department; setting forth a short title; providing an effective date; appropriating to the Banking Department all unexpended fees and revenues heretofore collected by said Department; appropriating to the Banking Department the unexpended balance of the 'Cemetery Perpetual Care

Enforcement Fund'; repealing conflicting laws and parts of laws; setting forth a severability clause; and declaring an emergency."

With Engrossed Riders.

H. B. No. 276, A bill to be entitled "An Act amending Paragraph 1 of Section 1 of House Bill 322, Chapter 196, Acts of the Forty-third Legislature, Regular Session, 1933, as amended by House Bill 507, Chapter 218, Acts of the Fiftieth Legislature, Regular Session, 1947, fixing fees of resident students registering in State-supported institutions of collegiate rank; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

With Engrossed Rider No. 1.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 488, A bill to be entitled "An Act regulating the taking of minnows in Baylor County; providing that nothing in this Act shall prohibit the transportation for personal use of two hundred (200) minnows or less from Baylor County to another county; and providing that nothing shall prohibit transportation of minnows from Baylor County to another county when said minnows have been raised in a minnow hatchery in this State; defining a minnow hatchery in this State; defining a minnow hatchery; providing a penalty; and declaring an emergency."

H. B. No. 222, A bill to be entitled "An Act regulating fishing in Lake Baird, Callahan County, Texas, providing a penalty for violation of this Act; containing saving and repealing clauses, and declaring an emergency."

H. C. R. No. 46, Providing for acceptance by the Fifty-second Legislature of an oil portrait of Captain Audie Murphy, a native of Farmersville, Texas, to be hung in the State Capitol.

S. B. No. 66, A bill to be entitled "An Act amending Article 717, Revised Civil Statutes of Texas, 1925, providing that the first three articles



of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, shall not apply to refunding bonds issue, or to be issued, for the refunding of any valid outstanding bonds of a county, city, or town, nor to any bond issue for a sum less than two thousand dollars, when issued for the purpose of repairing buildings or structures for the building of which bonds are allowed to be issued, provided, however, that the aggregate principal amount of bond issues for the repairing of such buildings and structures shall never in any calendar year exceed two thousand dollars; and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act providing for the conversion of a rural high school district into an independent school district; authorizing the presentation of a petition to the County Judge; authorizing the County Judge to call an election; authorizing the Commissioners' Court to canvass the election and declare the result and order the incorporation; providing the procedure for county line school districts; providing for a Board of Trustees; providing for property rights of the district, providing for district assumption of indebtedness; repealing all conflicting laws and providing a saving clause; and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act relating to the Lamar State College of Technology at Beaumont, Texas; granting said college and its Board of Regents all the powers and authority conferred by law to the State Teachers Colleges of Texas and the Board of Regents thereof in so far as the same may be applicable; granting to said Lamar State College and its Board of Regents the powers and authority conferred by certain specified statutes relating to tuition, etc.; and declaring an emergency."

#### Conference Committee on House Bill No. 426

The President announced the appointment of the following as a Conference Committee on H. B. No. 426 on the part of the Senate: Senators Carney, Aikin, Phillips, Lock and Kelly of Tarrant.

#### Senate Resolution 130

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics Class of Santa Anna High School, Santa Anna, Texas, together with their teacher and sponsor, Mr. R. K. Green; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 2, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 393, A bill to be entitled "An Act to amend Sections 4, 5 and 15 of the Public Accountancy Act of 1945, Acts of the 49th Legislature, Chapter 315, Page 517, Senate Bill 176, as amended; repealing all laws in conflict therewith and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act to amend Article 1524(a), Section 7, Vernon's Texas Civil Statutes, as amended by Acts 1945, 49th Legislature, page 263, Chapter 194; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Bill 278 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and that S. B. No. 278 be laid out for consideration at this time.

There was objection.

Senator Hardeman then moved that the regular order of business be suspended and that S. B. No. 278 be laid out for consideration at this time.

The motion prevailed by the following vote:

## Yeas—20

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bullock	Lane
Carney	Lock
Carter	Moore
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Wagonseller
Hazlewood	Weinert

## Nays—10

Bell	Moffett
Bracewell	Nokes
Kelly of Tarrant	Parkhouse
Martin	Phillips
McDonald	Russell

## Absent—Excused

Vick

The President laid before the Senate, on its second reading and passage to engrossment, the following bill:

S. B. No. 278, A bill to be entitled "An Act repealing Article 601, Revised Civil Statutes of Texas of 1925, and House Bill No. 1, being Chapter 316, Acts of the 51st Legislature; creating a Board of Control and defining its powers and duties; among other powers and duties being those heretofore exercised by the Board of Control abolished by this Act, as well as those heretofore exercised by the Board for Texas State Hospitals and Special Schools; providing for a Hospital and School Director and a Management Director and defining their powers and duties; transferring real and personal property to the Board of Control created herein; providing for the appointment of the Board and the making of bonds by Board Members and the Directors; abolishing divisions in the Board of Control; providing for the transfer of duties between the Directors; repealing all laws in conflict herewith; fixing an effective date of this Act; and declaring an emergency."

(The bill having been read second time on Tuesday, March 27, 1951, with an amendment by Senator Tynan pending.)

Question—Shall the amendment by Senator Tynan be adopted?

(Pending discussion of the amendment by Senator Phillips, Senator Hudson and the President pro tempore occupied the Chair temporarily.)

## (President in Chair.)

Senator Hardeman moved the previous question on the pending amendment and the passage of the bill to engrossment and the motion was duly seconded.

The previous question was ordered by the following vote:

## Yeas—17

Ashley	Lane
Bullock	Lock
Carney	Moore
Carter	Shofner
Colson	Strauss
Corbin	Tynan
Hardeman	Vick
Hazlewood	Weinert
Hudson	

## Nays—14

Aikin	McDonald
Bell	Moffett
Bracewell	Nokes
Fuller	Parkhouse
Kelley of Hidalgo	Phillips
Kelly of Tarrant	Russell
Martin	Wagonseller

(Pending discussion of the amendment by Senator Phillips, Senator Weinert and the President pro tempore occupied the Chair temporarily.)

## (Senator Hudson in Chair.)

Senator Nokes raised the point of order that there was not a quorum present.

The Presiding Officer overruled the point of order, stating that there had been no business transacted since the roll was called.

Pending further discussion of the bill by Senator Phillips, Senator Nokes again raised the point of order that there was not a quorum present.

The Presiding Officer thereupon directed the Secretary to call the roll to determine the presence or absence of a quorum.

The roll was called and the following Senators were present:

Aikin	Fuller
Ashley	Hardeman
Bell	Hudson
Bracewell	Lane
Bullock	Lock
Carter	Martin
Colson	McDonald
Corbin	Moffett

Nokes	Strauss
Parkhouse	Tynan
Phillips	Wagonseller
Russell	Weinert
Shofner	

## Absent

Carney	Kelly of Tarrant
Hazlewood	Moore
Kelley of Hidalgo	

## Absent—Excused

Vick

The Presiding Officer announced a quorum of the Senate present.

Senator Hardeman moved a call of the Senate to maintain a quorum until the questions on which the previous question had been ordered had been disposed of and the motion was duly seconded.

Senator Moffett raised the point of order that Senator Phillips did not yield for that purpose.

The Presiding Officer overruled the point of order, stating that a motion for a call of the Senate was a privileged motion.

The motion for a call of the Senate to maintain a quorum until the previous question was disposed of prevailed by the following vote:

## Yeas—16

Aikin	Hudson
Ashley	Lane
Bullock	Lock
Carter	Shofner
Colson	Strauss
Corbin	Tynan
Fuller	Wagonseller
Hardeman	Weinert

## Nays—4

Bracewell	Moffett
Martin	Phillips

## Absent

Bell	McDonald
Carney	Moore
Hazlewood	Nokes
Kelley of Hidalgo	Parkhouse
Kelly of Tarrant	Russell

## Absent—Excused

Vick

Senator Moffett raised the further point of order that the last roll call showed that there was not a quorum of the Senate present.

The Presiding Officer overruled the point of order, stating that a quorum of the Senate did not have to be present when a call of the Senate was ordered.

Senator Hardeman moved a call of the Senate to secure and to maintain a quorum until the previous question had been disposed of and the motion was duly seconded.

The motion prevailed by the following vote:

## Yeas—16

Aikin	Hudson
Ashley	Lane
Bullock	Lock
Carter	Shofner
Colson	Strauss
Corbin	Tynan
Fuller	Wagonseller
Hardeman	Weinert

## Nays—4

Bracewell	Moffett
Martin	Phillips

## Absent

Bell	McDonald
Carney	Moore
Hazlewood	Nokes
Kelley of Hidalgo	Parkhouse
Kelly of Tarrant	Russell

## Absent—Excused

Vick

The Presiding Officer directed the Secretary to call the roll for the purpose of ascertaining the absentees. The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	Moffett
Carter	Phillips
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Wagonseller
Hudson	Weinert

## Absent

Bell	McDonald
Carney	Moore
Hazlewood	Nokes
Kelley of Hidalgo	Parkhouse
Kelly of Tarrant	Russell

## Absent—Excused

Vick

The Presiding Officer then directed the Secretary to give the list of absentees to the Sergeant-at-Arms and that the absentees be requested to return to the Senate but if the absentees did not return voluntarily, they were to be arrested and brought back to the Senate Chamber.

**At Ease**

The Presiding Officer at 7:37 o'clock p. m. announced the Senate would stand at ease until a quorum could be secured.

**In Legislative Session**  
(Senator Hudson in chair.)

The Presiding Officer called the Senate to order at 8:07 o'clock p. m.

Senator Bracewell raised the point of order that there was not a quorum of the Senate present.

The Presiding Officer directed the Secretary to call the roll and the following Senators were present:

Aikin	Kelley of Hidalgo
Ashley	Lane
Bracewell	Lock
Bullock	Martin
Carter	Moffett
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller
Hudson	Weinert

**Absent**

Bell	Moore
Carney	Nokes
Kelly of Tarrant	Parkhouse
McDonald	Russell

**Absent—Excused**

Vick

The Presiding Officer announced a quorum of the Senate present.

(President in Chair.)

Pending further discussion of the amendment by Senator Phillips, the President pro tempore and Senator Hudson occupied the Chair temporarily.

(Senator Aikin in Chair.)

Senator Nokes raised and submitted in writing the following point of order:

Mr. President:

I raise the point of order that the pending amendment to S. B. 278 offered by the Senator from Bexar is not germane to the caption of said bill for the following reasons:

(1) The caption refers only to one board, to-wit, a 3 member board of control.

(2) The 3 man board as listed in the caption is given all the duties of the present board of control and the present Board for State Hospitals and Special Schools and does not mention a six member board at all.

(3) The caption sets one board— not two.

The Presiding Officer overruled the point of order, stating that the amendment was germane to the caption of the bill.

(President in Chair.)

After further discussion of the amendment by Senator Phillips, Senator Lane raised the point of order that Senator Nokes was not asking a question of Senator Phillips but was talking on the bill.

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The President sustained the point of order and requested Senator Nokes to confine his remarks to the amendment.

Senator Hardeman raised the point of order that Senator Nokes was not asking questions on the amendment.

The President sustained the point of order and asked Senator Nokes to please take his seat.

During further discussion of the amendment by Senator Phillips, Senator Hardeman occupied the Chair.

(Senator Carter in Chair.)

Senator Kelly of Tarrant suggested the absence of a quorum.

The Presiding Officer directed the Secretary to call the roll.

(President in Chair.)

The Secretary called the roll and the following Senators were present:

Aikin	Bullock
Ashley	Carter
Bracewell	Colson

Corbin	Moffett
Fuller	Moore
Hardeman	Nokes
Hazlewood	Parkhouse
Kelley of Hidalgo	Phillips
Kelly of Tarrant	Russell
Lane	Shofner
Lock	Strauss
Martin	Tynan
McDonald	Wagonseller

## Absent

Bell	Hudson
Carney	Weinert

## Absent—Excused

Vick

Senator Carter occupied the Chair temporarily.

(President pro tempore in Chair.)

Senator Nokes raised the point of order that there was not a quorum of the Senate present.

The President pro tempore overruled the point of order.

The President pro tempore ruled that Senator Phillips had yielded the floor.

The President pro tempore directed the Secretary to call the roll on the amendment by Senator Tynan.

The amendment was adopted by the following vote:

## Yeas—18

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Lock
Carter	McDonald
Colson	Moore
Corbin	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Wagonseller

## Nays—9

Bracewell	Nokes
Fuller	Parkhouse
Kelly of Tarrant	Phillips
Martin	Russell
Moffett	

## Absent

Bell	Weinert
Carney	

## Absent—Excused

Vick

The bill was passed to engrossment by the following vote:

## Yeas—17

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Lock
Carter	Moore
Colson	Shofner
Corbin	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller
Hudson	

## Nays—10

Bracewell	Moffett
Fuller	Nokes
Kelly of Tarrant	Parkhouse
Martin	Phillips
McDonald	Russell

## Absent

Bell	Weinert
Carney	

## Absent—Excused

Vick

## Adjournment

Senator Hardeman moved the Senate stand adjourned until 2:00 o'clock p. m. today.

Senator Kelly of Tarrant moved that the Senate stand adjourned until 10:00 o'clock a. m. on Wednesday, April 4, 1951.

Question first recurring on the motion of Senator Kelly of Tarrant, the motion was lost by the following vote:

## Yeas—9

Bracewell	Nokes
Kelly of Tarrant	Parkhouse
Martin	Phillips
McDonald	Russell
Moffett	

## Nays—18

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bullock	Lane
Carter	Lock
Colson	Moore
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller

## Absent

Bell	Weinert
Carney	

## Absent—Excused

Vick

Question next recurring on the motion of Senator Hardeman, it was adopted by the following vote:

## Yeas—17

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Lock
Carter	Moore
Colson	Shofner
Corbin	Strauss
Hardeman	Tynan
Hazlewood	Wagonseller
Hudson	

## Nays—10

Bracewell	Moffett
Fuller	Nokes
Kelly of Tarrant	Parkhouse
Martin	Phillips
McDonald	Russell

## Absent

Bell	Weinert
Carney	

## Absent—Excused

Vick

Accordingly, the Senate at 5:25 o'clock a. m. adjourned until 2:00 o'clock p. m. today.

## FORTY-SEVENTH DAY

(Tuesday, April 3, 1951)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

## Absent

Hazlewood	Vick
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## Absent—Excused

Martin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leave of Absence

Senator Martin was granted leave of absence for today on account of important business on motion of Senator McDonald.

## House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

H. C. R. No. 40—To Committee on Civil Jurisprudence.

H. B. No. 51—To Committee on Banking.

H. B. No. 393—To Committee on State Affairs.

H. B. No. 512—To Committee on State Affairs.

H. C. R. No. 23—To Committee on Civil Jurisprudence.

H. C. R. No. 28—To Committee on Civil Jurisprudence.

H. C. R. No. 38—To Committee on Finance.

H. C. R. No. 39—To Committee on Civil Jurisprudence.

H. B. No. 276—To Committee on Educational Affairs.

## Senate Bill 278 on Third Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and Senate Rule 12 and that S. B. No. 278 be laid out on third reading and final passage.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and Senate Rule 12 and that S. B. No. 278 be laid out on third reading and final passage.

The motion prevailed by the following vote: